

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
J Communications Co., Ltd.	)	EB Docket No. 04-28
	)	EB-02-TS-588
Grantee of Equipment Authorization for	)	FRN # 0005-8369-60
General Mobile Radio Service Radios,	)	
FCC ID# OAJFR1-GPS	)	

**ORDER TO SHOW CAUSE**

**Adopted: February 4, 2004****Released: February 9, 2004**

By the Commission:

**I. INTRODUCTION**

1. In this *Order to Show Cause*, we commence a hearing proceeding pursuant to Section 2.939 of the Commission's Rules ("Rules"),<sup>1</sup> to determine whether the equipment authorization held by J Communications Co., Ltd. ("J Communications") for its General Mobile Radio Service ("GMRS") radios, FCC ID# OAJFR1-GPS, should be revoked. The GMRS radios manufactured by J Communications under FCC ID# OAJFR1-GPS have the capability to transmit data, specifically Global Positioning System ("GPS") location information, in contravention of Section 95.631 of the Rules<sup>2</sup> and the equipment authorization held by J Communications.

**II. BACKGROUND**

2. The GMRS is a short-distance, two-way land mobile radio service available for communications that facilitate personal or business activities of licensees and their immediate family members.<sup>3</sup> Section 95.631(a) of the Rules generally limits GMRS transmitters to voice communications,<sup>4</sup> and Section 95.631(f) of the Rules explicitly provides that no GMRS transmitter shall transmit non-voice data.<sup>5</sup> GMRS transmitters must be authorized in accordance with the FCC's certification procedures prior to marketing.<sup>6</sup>

3. On March 20, 2002, the FCC's Office of Engineering and Technology ("OET") granted J Communications an equipment certification, FCC ID # OAJFR1-GPS, for its GMRS radios.<sup>7</sup> This

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<sup>1</sup> 47 C.F.R. § 2.939.

<sup>2</sup> 47 C.F.R. § 95.631.

<sup>3</sup> See 47 C.F.R. § 95.1.

<sup>4</sup> 47 C.F.R. § 95.631(a). Under Section 95.631(a), non-voice emissions from GMRS transmitters are limited to selective calling or tone-operated squelch tones to establish or continue voice communications. See also 47 C.F.R. § 95.181(f), (g).

<sup>5</sup> 47 C.F.R. § 95.631(f).

<sup>6</sup> 47 C.F.R. § 95.603(a). See also 47 C.F.R. § 2.803(a)(1).

<sup>7</sup> OET originally granted J Communications' Application for Equipment Authorization (FCC Form 731) for its

certification explicitly authorizes F3E<sup>8</sup> (voice) emissions only.

4. In response to a complaint alleging that the GMRS radios manufactured by J Communications transmit GPS data in violation of Section 95.631 of the Rules and the explicit terms of the equipment authorization held by J Communications, the Enforcement Bureau issued a letter of inquiry (“LOI”) to J Communications on June 20, 2003.<sup>9</sup> In its response to the LOI,<sup>10</sup> J Communications acknowledged that its radios use F2D<sup>11</sup> (data) emissions to transmit GPS location information on GMRS frequencies. J Communications asserts that when it submitted samples of the GMRS radios to the FCC for testing and authorization, it also submitted a copy of the user manual for the radios. Section 3.4-2 of the user manual, entitled GPS Function, indicates that “[t]his feature provides you to inform or transmit your current position to another party.” J Communications maintains that it was under the impression that F2D emissions are covered by this statement and that the FCC approved such emissions when it granted the certification for the GMRS radios. J Communications also indicates that it has manufactured approximately 7,500 of the GMRS radios for sale in the United States.

### III. DISCUSSION

5. Section 2.939(a)(2) of the Rules states that the Commission may revoke any equipment authorization “if upon subsequent inspection or operation it is determined that the equipment does not conform to the pertinent technical requirements or to the representations made in the original application.”<sup>12</sup> Furthermore, Section 2.939(a)(4) of the Rules states that the Commission may revoke any equipment authorization because of conditions coming to its attention “which would warrant it in refusing to grant an original application.”<sup>13</sup> The Commission is required to follow the same procedures in revoking an equipment authorization as it does in revoking a radio station license.<sup>14</sup> Pursuant to Section 312(c) of the Communications Act of 1934, as amended, before revoking a radio station license, the Commission must serve the licensee with an order to show cause why revocation should not issue and must provide the licensee with an opportunity for hearing.<sup>15</sup>

6. As noted above, Section 95.631 of the Rules generally limits GMRS transmitters to voice communications. In addition, the equipment certification issued by OET to J Communications for

GMRS radios on May 2, 2001. OET reissued the certification on March 20, 2002, after testing the device in accordance with its post-grant sampling program.

<sup>8</sup> Emissions are designated by an alphanumeric code according to their classification and necessary bandwidth. The first symbol designates the type of modulation of the main character, the second symbol designates the nature of signal(s) modulating the main carrier, and the third symbol designates the type of information to be transmitted. F3E is an emission in which the main carrier is angle-modulated using frequency modulation in a single channel containing analogue telephony information. *See* 47 C.F.R. § 2.201.

<sup>9</sup> Letter from Joseph P. Casey, Chief, Technical and Public Safety Division, Enforcement Bureau, to Jong-Oh Kim, President, J Communications Co., Ltd. (June 20, 2003).

<sup>10</sup> Letter from Jong-Oh Kim, President, J Communications Co., Ltd., to Joseph P. Casey, Chief, Technical and Public Safety Division, Enforcement Bureau (July 7, 2003) (“LOI Response”).

<sup>11</sup> F2D is an emission in which the main carrier is angle-modulated using frequency modulation, the signal modulating the main carrier is a single channel containing quantized or digital information with the use of a modulating subcarrier, and the type of information to be transmitted is data, telemetry, or telecommand. *See* 47 C.F.R. § 2.201.

<sup>12</sup> 47 C.F.R. § 2.939(a)(2).

<sup>13</sup> 47 C.F.R. § 2.939(a)(4).

<sup>14</sup> 47 C.F.R. § 2.939(b).

<sup>15</sup> 47 U.S.C. § 312(c).

its GMRS radios explicitly authorizes F3E (voice) emissions only. J Communications asserts that the user manual that it submitted to OET along with the GMRS radios indicates that the radios are capable of transmitting GPS location information.<sup>16</sup> However, we note that in Item 12 of its Application for Equipment Authorization, which is entitled Equipment Specifications, J Communications clearly specifies F3E as the only emissions designator for these radios. Moreover, irrespective of any language in the user's manual, this equipment is required to conform to the Commission's rules and the express limitations of its certification. It appears that the GMRS radios manufactured by J Communications under FCC ID# OAJFR1-GPS do not conform either to the applicable technical requirements for GMRS transmitters or to the representations made by J Communications in its Application for Equipment Authorization. Furthermore, the fact that these GMRS radios are capable of transmitting GPS location information is apparently a condition that would warrant the Commission in refusing to grant an original application for equipment authorization for such devices. Accordingly, we are designating this matter for hearing before an Administrative Law Judge to determine whether the equipment certification held by J Communications for its GMRS radios, FCC ID # OAJFR1-GPS, should be revoked.

#### IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED that, pursuant to Section 2.939(b) of the Rules, J Communications is hereby ORDERED TO SHOW CAUSE why its equipment authorization, FCC ID # OAJFR1-GPS, SHOULD NOT BE REVOKED. J Communications SHALL APPEAR before an Administrative Law Judge at a time and place to be specified in a subsequent order and give evidence upon the following issues:

- (a) To determine whether the GMRS radios manufactured by J Communications under FCC ID # OAJFR1-GPS violate Section 95.631 of the Rules and/or the explicit terms of the equipment authorization for the radios; and
- (b) To determine, in light of the evidence adduced pursuant to issue (a), whether the equipment authorization held by J Communications, FCC ID # OAJFR1-GPS, should be revoked.

8. IT IS FURTHER ORDERED that, pursuant to 2.939(b) of the Rules, to avail itself of the opportunity to be heard and to present evidence at a hearing in this proceeding, J Communications, in person or by an attorney, SHALL FILE with the Commission, within thirty days of the release of this *Order to Show Cause*, a written appearance stating that it will appear at the hearing and present evidence on the issues specified above. If J Communications fails to file a timely notice of appearance, its right to a hearing SHALL BE DEEMED TO BE WAIVED. In the event that J Communications waives its right to a hearing, the Chief Administrative Law Judge (or the presiding officer if one has been designated) SHALL, at the earliest practicable date, ISSUE an order reciting the events or circumstances constituting a waiver of hearing, terminating the hearing proceeding, and certifying the case to the Commission.

9. IT IS FURTHER ORDERED that, pursuant to Section 0.111(b) of the Rules,<sup>17</sup> the Enforcement Bureau shall serve as trial staff in this proceeding.

10. IT IS FURTHER ORDERED that, the burden of proceeding with the introduction of evidence and the burden of proof with respect to the issues specified above shall be on the Enforcement Bureau.

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<sup>16</sup> LOI Response at 1.

<sup>17</sup> 47 C.F.R. § 0.111(b).

11. IT IS FURTHER ORDERED that a copy of this *Order to Show Cause* shall be sent by Certified Mail, Return Receipt Requested, to Jong-Oh Kim, President, J Communications Co., Ltd., 124-4 Ojeon-Dong, Uiwang-City, Kyungki-Do, 437-070, South Korea.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary